



TECHNOLOGY LAW DEPARTMENT
MCI WORLDCOM INC
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WASHINGTON, DC 20036

Paper No. 6
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OCT 13 2000

OFFICE OF PETITIONS
A/C PATENTS

DECISION ACCORDING STATUS
UNDER 37 C.F.R. §1.47(a)

In re Application of
Dugan, et al.
Application No. 09/420,654
Filed: October 19, 1999
For: Method and System for Managing Local
Resources at Service Nodes in an
Intelligent Network

JC958 U.S. PTO
10/026850
12/19/01

This is in response to the petition under 37 C.F.R. 1.47(a), filed February 14, 2000.

The petition is **GRANTED**.

The above-identified continuation-in-part application was filed on October 19, 1999, without an executed oath or declaration and naming Andrew Dugan, Allen Holmes, Kelvin R. Porter, and Terence A. Robb, as joint inventors.

Accordingly, on November 10, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for late filing. This Notice set a period for reply of two months from the mailing date of the notice, to January 10, 2000.

On February 14, 2000, (certificate of mailing on February 10, 2000), a declaration for patent application signed by three of the four joint inventors, Andrew Dugan, Kelvin Porter, and Terence Robb, was filed; a surcharge for late filing was authorized; as well as, an extension of time for filing the response within one month. A declaration signed by less than all of the inventors is not a proper reply to the Notice to File Missing Parts. Nonetheless, petitioner avoided abandonment of the application by also applying for Rule 47 status.

Rule 47 applicant maintains that status under 37 C.F.R. §1.47(a) is proper because joint inventor Allen Holmes refuses to join in the application for patent.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

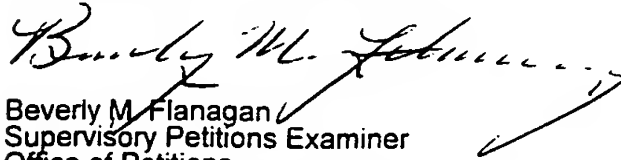
Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. By sworn declaration, Albert M. Crowder, Jr., attorney of record, established that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

The declaration filed February 14, 2000, and the petition have been reviewed and found in compliance with 37 C.F.R. §1.47(a). The petition fee, as authorized, has been charged to Deposit Account No. 13-2491. This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney
Nancy Johnson at (703) 305-0309.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

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LETTER

OCT 15 2000

**OFFICE OF PETITIONS
A/C PATENTS**

Dear Mr. Holmes:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ALBERT M. CROWDER, JR.
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